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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,893	01/03/2002	Hiroe Maeda	Q67967	9644

7590 02/26/2004
SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037

EXAMINER

PRITCHETT, JOSHUA L

ART UNIT	PAPER NUMBER
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2872

DATE MAILED: 02/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/033,893	Applicant(s) MAEDA ET AL.	
	Examiner Joshua L Pritchett	Art Unit 2872	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 September 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is in response to Amendment filed December 4, 2003. Claim 4 has been amended. The information disclosure statement filed January 8, 2003 has been considered and an initialed and signed copy accompanies this action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takuzo (JP 59-159109) in view of Obuchi (US 6,511,756).

Takuzo teaches a polarizer comprising sticking two protective films to opposite surfaces of a polyvinyl alcohol polarizing element so that the polyvinyl alcohol polarizing element is held between the two protective films, wherein the two protective films are stuck under the condition that a moisture content of the polyvinyl alcohol polarizing element is adjust to be not higher than 15% or 3% by weight (abstract lines 6-12). Takuzo states the use of a PVA having a moisture content of less than 5% (abstract lines 6-7). Takuzo further states the protective films are

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“formed into a bag shape and the polarizing film is sealed hermetically into said bag,” (abstract line 10) thus the protective films are attached to both sides of the PVA polarizing element. Takuzo further states that the protective film is a polymer (abstract line 9) with low moisture permeability (abstract lines 11-12). Takuzo lacks specific reference to the protective film having the claimed permeability. Obuchi teaches the use of a protective film with a moisture permeability in the range of 5 to 300 ($\text{g/m}^2 \cdot 24\text{h}$) at $40^\circ\text{C} \times 90\% \text{ RH}$ (Table 7 Example 40) and wherein the protective film is made of a resin selected from the group consisting of polyester resin, polyimide resin, a norbornene resin and a polyolefin resin (col. 28 lines 2-3). Obuchi states that the permeability of the film is between 4 and 6 $\text{g/m}^2 \cdot 24\text{h}$ at $40^\circ\text{C} \times 90\% \text{ RH}$, which overlaps the claimed range of 5 to 300 (Table 7; col. 53 lines 33-34). Obuchi further states that the resin is a cyclic olefin resin (col. 28 lines 2-3). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have the Obuchi protective film form the protective film over the Takuzo PVA polarizer for the purpose of creating a protective film with will not allow moisture to pass through the film and thus damage the polarizing element.

Response to Arguments

Applicant's arguments filed December 4, 2003 have been fully considered but they are not persuasive.

On page 4 of Amendment, applicant argues that combination of Obuchi to Takuzo results in a “composite” film on the polarizer. The claim language states only that the film is made of “a

resin selected from the group consisting of a polyester resin, a polyimide resin, a norbornene resin and a polyolefin resin.” The claim language does not limit the claim to the point that it excludes the use of “composite” films, so long as the film contains one of the claimed resins which is the case in Obuchi.

On page 4 of Amendment, applicant argues that the resulting “composite” film from the combination of Obuchi and Takuzo would cause the polarizing element to have five films instead of the claimed two. The claim language “comprising” used in claim 4 is open-ended language meaning that the invention must include all the claimed elements but is not limited to only those elements. Therefore the number of films can exceed the claimed two films so long as the two films claimed are present and meet the claim limitations.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua L Pritchett whose telephone number is 571-272-2318. The examiner can normally be reached on Monday - Friday 7:00 - 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew A Dunn can be reached on 571-272-2312. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JLP



DREW A. DUNN
SUPERVISORY PATENT EXAMINER